



•TOWN OF•  
**KENSINGTON**

MARCH  
2006  
*JOURNAL*

Meeting Schedule

**Monday, March 27<sup>th</sup> at 7:00 p.m.**

Public Hearing/Adoption of Amendments to Chapter VIII,  
Article 4, Section 8-403 Clean and Lien Regulation

**Town Meeting**

(immediately following hearing)  
Fiscal Year 2007 Budget Discussions

**Monday, April 3<sup>rd</sup> at 7:00 p.m. Work Session**

Fiscal Year 2007 Budget Discussions

**Monday, April 24<sup>th</sup> at 7:00 p.m.**

**Town Meeting**

Introduction of Fiscal Year 2007 Budget

**Earth Arbor Day**

**April 22<sup>nd</sup> 9 a.m. to 12 noon**

**Flinn Park**

**Kensington's International Day of the Book**

**April 23<sup>rd</sup> 12 noon to 5 p.m.**

**Activities in Flinn Park and along Howard Avenue**

Contact us at 3710 Mitchell Street, Kensington, MD 20895

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## **"If I Were Mayor I Would . . . " Contest**

The Maryland Municipal League (MML) and the Maryland Mayors' Association invites 4th grade students throughout Maryland to participate in a statewide essay contest. Contest deadline is April 1, 2006. For more information contact MML at 1-800-492-7121 or [www.mdmunicipal.org](http://www.mdmunicipal.org)

## **PEPCO**

### **Completed and planned work to improve power reliability on Washington St., Prospect St., Baltimore St., and Summit Ave.**

To improve service, during July and August last year, Pepco installed spacer brackets in three identified locations to prevent wires from contacting each other, replaced a blown lightning arrester in one identified location, installed an animal guard device in one identified location to help prevent squirrels from bridging across energized contact points on transformers.

Their planned work to be completed by the third quarter of this year consists of the following: installing tree wire along 2 locations-Clearbrook Lane and Avon Drive, installing lightning arresters at various locations along Fleming Avenue, Metropolitan Avenue, Edson Lane and Morning Gate Drive; and installing animal guards at various locations along Fleming Avenue, Metropolitan Avenue, Cleveland Street, Edson Lane and Morning Gate Drive.

## **Building Permits Issued**

Addition at 10313 Fawcett Street

## **Mayor's Report**

The Mayor attended the Maryland Mayors' Association Conference in Annapolis in February. We attended floor sessions and met with our delegations. Much discussion was centered around legislation that would have an impact on municipal governments and how the governor's budget would impact us as well.

The "If I Were Mayor I Would...." contest will be held this spring. This is a Maryland Municipal League sponsored contest for all fourth graders. It is held each year throughout the state. The Mayors talk to the students about the role of a Mayor and town government. As always your Mayor talked to the students in fourth grade at the Kensington Parkwood Elementary School and enjoyed the experience immensely.

The Montgomery County Council Public Safety Committee met to discuss speed cameras and how this tool will be beneficial to our county. The use of these cameras will slow traffic and help cut down vehicular accidents. It will be beneficial to pedestrian safety while walking along and crossing Connecticut Ave. The Mayor asked for a speed camera to be placed on Connecticut Avenue between the beltway and the Town to slow traffic before it comes into our area.

The Mayor had a meeting with Council Member Tom Perez. Topics of discussion were: speed cameras, repairs and upgrades to Summit Ave. and west Howard Ave., keeping our sector plan review on track, and the possibility of Montgomery County reporting final building inspection reports of completed construction to the Town as they occur.

Our State Highway District Engineer Charlie Watkins retired last month. Mr. Watkins has been a very responsive district engineer and worked well with the Town of Kensington. We wish him well. The Mayor was delighted to be invited to his retirement dinner and have the chance to thank him on behalf of our Town.

The Mayor attended an MML Montgomery County Chapter meeting this past month. We met with County Executive Doug Duncan. He shared his budget outlook for 2007 with the chapter and also discussed the need and implementation of speed cameras in Montgomery County.

The Mayor met with the Governor's office to discuss the merits of preserving Circle Manor as a Historic Resource and a national treasure.

## Proposed Amendments to Chapter VIII, Article 4, Section 8-403 Adoption of County's Clean and Lien Regulation

**Introduced on February 27, 2006; Public Hearing/Adoption will be on March 27, 2006.  
The language below will replace the current Chapter VIII, Article 4, Section 8-403 language titled Removal of Weeds and Other Nuisances.**

### **Section 8-403 County Clean and Lien Regulations Adopted.**

(a) Montgomery County's "Clean & Lien" law, found at Chapter 26 (Housing and Building Maintenance Standards), Chapter 48, §§ 24- 24A, § 28 and § 30 (Solid Waste) and Chapter 58 (Weeds) of the County Code (and any amendments, revisions or changes thereto), permits the County to enter a property to clean up or remove waste items if an owner fails to comply with previous notice to do so, and if the owner fails to pay the bill issued by the County for the clean-up or removal within a specified time, permits the County to place a lien against the owner's property for the costs of remediation. Such provisions of the County Code are hereby adopted and made part of this Code by reference, except as otherwise provided.

(b) This Section is an exception to the general exemption enacted in § 1-202 of the Town of Kensington Code.

(c) Montgomery County is requested and authorized to enforce the provisions of this Section in accordance with § 2-96 of the Montgomery County Code.

(d) A copy of Chapters 26, 48 and 58 of the Montgomery County Code shall be kept in the Town office and shall be made available during normal business hours.

### Town Meeting

February 27, 2006

Mayor Raufaste called the meeting to order at 7:05 p.m. with Council Members Carr, Furman, Goldsmith, and Pfautz, Public Works Director Wojton and Clerk Treasurer Engels present. The Pledge of Allegiance was recited. A Moment of Silence was observed.

The public hearing on amendments to Chapter V, Article I, Section 5-104 Building Lines was postponed until an opinion is received from the County Attorney's office regarding setbacks. State law requires if our setbacks differ from the county's they must be more restrictive.

The minutes from the January 30, 2006 Town Meeting and the February 6, 2006 Work Session were reviewed.

Council Member Carr reported that the street lighting bill which allows municipalities and the county the right to buy equipment owned by Pepco and take over the maintenance was passed by the Senate EHEA Committee.

Council Member Carr reported that he had been invited by Park and Planning Historic Preservation staff to participate in a discussion session about tear-downs and mansionization.

Council Member Pfautz reported that the tree board will be circulating another draft of a tree management ordinance. She will also be sending the Council the draft financial impact statement on the project to renovate the Kensington Cabin.

Council Member Goldsmith reported that for Municipal Government Month the Town will be inviting fourth grade students to the April Town Meeting.

Council Member Furman will put in writing the scope of the traffic committee's request for a traffic engineer to study traffic patterns on the north side for Council approval at the work session.

Council Member Carr suggested that the Council should begin thinking about commenting on the ICC and the impact on local traffic.

Council Members Carr and Goldsmith will meet with the businesses to get input from them regarding options for better access across Connecticut Avenue.

The Public Works Director gave a report on the costs involved with making the downstairs bathrooms handicap accessible.

The Public Works Director will report on the estimate received for a sidewalk on Oberon at the work session. A resident stated that she did not feel that a sidewalk was necessary in that area. The Public Works Director will install a new street sign at Baltimore Street and Armory Avenue where the reconfiguration occurred last year.

Neil Stablow, the Town's Building Inspector was present and discussed with the Council the interpretation of the building code relating to the permit issued on 3602 Farragut Avenue. This issue will be discussed further at the next work session.

Mr. Gottschalk, a representative from Takoma Park, spoke on the municipal electrical aggregation which would allow municipalities to negotiate and purchase electricity on behalf of citizens using the method known as opt-out aggregation and requested a representative from the Town to meet periodically with representatives of other jurisdictions to further study and develop the overall aggregation plan. An email will be sent out to residents to find someone interested in being a representative. Council Member Goldsmith will serve as the Council representative.

### **Council Actions**

Council Member Pfautz moved to introduce the Clean and Lien ordinance as published in the February Town Journal. Council Member Goldsmith seconded and it passed unanimously.

Council Member Goldsmith moved to approve the minutes from January 30, 2006 and February 6, 2006 as published in the February Town Journal. Council Member Pfautz seconded and it passed unanimously.

Council Member Goldsmith moved to approve Resolution 2006-02 to enter the National Flood Insurance Program. Council Member Furman seconded and it passed unanimously.

Council Member Pfautz moved to adjourn the meeting at 9:15 p.m. Council Member Goldsmith seconded and it passed unanimously.

**The minutes from February 27, 2006 have not been approved.**

### Work Session of Mayor & Council March 6, 2006

The Work Session commenced at 7:00 p.m., Mayor Raufaste, Council Members Carr, Furman, and Pfautz, Public Works Director Wojton, Building Inspector Stablow, Code Enforcement Officer Hamilton, and Clerk-Treasurer Engels were present. Council Member Goldsmith was necessarily absent.

The property owner from 3606 Perry Avenue was present to discuss a two foot variance request he wanted to submit for foundation work that had already been completed for a new home. The Council concurred that under the current building code it is unlikely that he would be granted a variance and that since it is totally new construction, he would be required to comply with the 10 foot side yard setbacks on both sides.

The Building Inspector discussed clarification and interpretations of the current and proposed language to Chapter V, Article 1, Section 5-104 Building Lines. The Council concurred to clarify the wording used in the exceptions: *“When building an addition to an existing dwelling, at least one side of the addition must conform to no less than the minimum side yard requirement in existence when the dwelling was constructed or seven (7) feet, whichever is greater”*. The Council agreed that it was important to move forward with the amendments to address smaller homes and will address other interpretation issues of the language at a future time if needed. The Town Attorney will be contacted to request the following by March 15<sup>th</sup>: clarification of the language used in the exceptions, the opinion from the County Attorney’s office or other source on whether the setbacks are stricter than the county’s set back requirements, a review of the language in the Town of Chevy Chase’s new ordinance, and consultation with a land use attorney if needed.

The Mayor and Building Inspector will be meeting with the county’s Director of Permitting Services to discuss the Town’s building permit process and whether an approval should first be obtained from the Town prior to the county issuing a building permit.

The Town Attorney will be contacted for an opinion on issues arising from the building permit issued for 3602 Farragut Avenue and future building permits as they may relate.

The Building Inspector will estimate the cost of undergrounding utilities on Armory Avenue from Knowles to Howard for the Council to determine if it is feasible to look into further before Safeway starts construction and paving.

The fiscal year 2007 budget was discussed. Armory bathroom renovations, roof repairs, and the need for another trash truck were discussed.

The time frame for changing the real property tax rate was discussed. Council Member Carr suggested that the personal property tax rate be changed to allow a \$100,000 exemption for commercial inventory and supplies and the rate be raised to offset the revenue that would be lost by the exemption. Council Members Goldsmith and Carr will obtain input from the commercial revitalization steering committee and Council Member Carr will determine the impact with verification from our auditors of this change for further discussion.

The minutes from the February 27, 2006 Town Meeting were reviewed and corrected.

The project list was reviewed. The Council concurred to proceed with a tree inventory which would be done by an arborist and volunteers.

The Public Works Director will investigate the weight limits on the bridges in Town.

The monthly correspondence was reviewed.

The owners of two new nonconforming signs will be notified of their noncompliance with the sign ordinance. The lighting will be reviewed on the Chevy Chase monument sign to see if it is in compliance. [Subsequently, it was reviewed by the Code Enforcement Officer and determined that the lighting was uniform and in compliance.]

The Public Works Director reported on estimates for installing a sidewalk on Oberon Street between St. Paul Street and Wheatley Street. The Council concurred to measure the property to determine the approximate amount of right of way the Town has before proceeding further.

There being no further business, the meeting adjourned at 10:35 p.m.

**The minutes from March 6, 2006 have not been approved.**